

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** December 30, 2014

**SUBJECT:** BZA Case 18934 - expedited request pursuant to 11 DCMR § 3118 for special exception relief under § 223 to construct an addition to a flat at 941 S Street, N.W.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 406, Courts (six feet required, 5.8 feet proposed); and
- § 2001.3, Additions or Enlargements to Nonconforming Structures.

### **II. LOCATION AND SITE DESCRIPTION**

Address	941 S Street, N.W.
Legal Description	Square 362, Lot 112
Ward	1B
Lot Characteristics	Rectangular lot with rear alley access
Zoning	R-4: Moderate density residential
Existing Development	Row dwelling, permitted in this zone.
Historic District	U Street
Adjacent Properties	Predominantly row houses and flats

### **III. PROJECT DESCRIPTION IN BRIEF**

Applicant	Michael Welch
Proposal	Convert an existing row dwelling to a flat, construct a third floor over the two-story rear wing and a three-story rear addition, and add a roof deck
Relief Sought	§ 223 - Additions to One-Family Dwellings or Flats

#### IV. ZONING REQUIREMENTS

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40-foot max.	38 feet, 3.75 in.	38 feet, 3.75 in.	None required
Lot Width § 401	18-foot min.	19.75 feet	19.75 feet	None required
Lot Area § 401	1,800 square feet min.	1,827 sq.ft.	1,827 sq.ft.	None required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	49%	60%	None required
Rear Yard § 404	20-foot min.	40.4 feet	20 feet	None required
Open Court Width § 406	6-foot min.	5 feet, 8 inches	5 feet, 8 inches	<b>Required</b>

#### V. OP ANALYSIS

##### 223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

*223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

Flats are a use permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 406 and 2001.3.

*223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

*(a) The light and air available to neighboring properties shall not be unduly affected;*

Light and air to neighboring properties should not be unduly affected as the proposed addition would provide the minimum twenty-foot rear yard and not exceed the maximum sixty percent lot occupancy.

*(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

Two sets of two small fixed clerestory windows are proposed for each of the two kitchens, one set on the first floor and the other on the third, facing into the open court of the adjacent property to the east. Because these windows would be located up near the ceilings of the kitchens, they would not compromise the privacy of neighbors while allowing natural light to enter the kitchens. A third set of windows would also be located along this same party wall, but would be located on the first floor of the three-story addition at the rear of the building. These windows would not face into the closed court, but rather into the rear yard, minimizing the impact these windows would have on privacy. Provision of a minimum twenty-foot rear yard, in conformance with the R-4 zone, would also help to ensure that the

privacy of use and enjoyment of neighboring properties would not be unduly compromised.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The proposed addition, including the roof deck, would not be visible from S Street, but would be visible from the public alley at the rear. It would be constructed out of similar materials, with double bay similar to those found on the existing structure and therefore would not intrude upon the character, scale and pattern of houses along the alley.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant submitted plans, photographs, and elevation and section drawings sufficient to represent the relation of the proposed addition.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy of sixty percent is equal to the maximum permitted as a matter-of-right in the R-4.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP makes no special treatment recommendations.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application would not result in the introduction or expansion of a nonconforming use.

The Historic Preservation Review Board, at its meeting of December 18, 2014, approved the proposal on its consent calendar.

## **VI. AGENCY COMMENTS**

The District Department of Transportation, in a memorandum dated December 17, 2014, had no objection to the application.

The proposed projection into public space will require review by the Public Space Permitting Office.

## **VII. COMMUNITY COMMENTS**

ANC 1B, at its regularly scheduled meeting of December 4, 2014, voted to support the application.

The Westminster Neighborhood Association, at its meeting of November 25, 2014, voted to support the application.

One neighbor from the adjoining property to the east submitted a letter to the file in support of the application.